UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK
✦✦

James Nichols,

Plaintiff,

vs.   **5:10-CV-737 (NAM/GHL)**

Peter T. Roach and Associates, PC,

Defendant.

✦✦

APPEARANCES: OF COUNSEL:

Weisberg & Meyers, LLC   Dennis R. Kurz, Esq
5025 North Central Avenue #602
Phoenix, Arizona 85012
Attorney for Plaintiff

Mel S. Harris & Associates, LLC   Scott E. Wortman, Esq.
5 Hanover Square, 8th Floor
New York, New York 10004
and
Peter T. Roach & Associates, PC   Peter T. Roach, Esq.
125 Michael Drive
Syossett, New York 11791
Attorneys for Defendant

Norman A. Mordue, Chief U.S. District Judge

JUDGMENT DISMISSING ACTION
BASED UPON SETTLEMENT

The Court has been advised by counsel that this action has been settled, or is in the

process of being settled. (Dkt. No. 26). Accordingly, pursuant to N.D.N.Y.L.R. 68.2(a), it is

hereby

ORDERED, as follows:

1) The above captioned case is hereby **DISMISSED** in its entirety **without prejudice** to

re-opening upon the motion of any party within sixty days of the date of the filing of this order upon a showing that the settlement was not consummated;
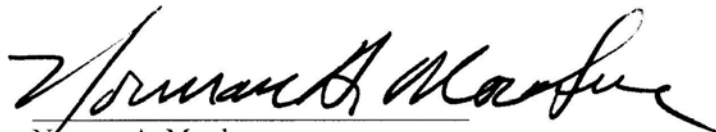
2) The dismissal of the above captioned case shall become **with prejudice** on the sixtieth first day after the date of the filing of this order <u>unless</u> any party moves to re-open this case within sixty days of the date of filing of this order upon a showing that the settlement was not consummated. Upon completion of settlement, the parties are directed to exchange general releases and file a **Stipulation of Discontinuance** with the Court that must include language **"that no party hereto is an infant or incompetent**" in compliance with N.D.N.Y.L.R. 41.3; and

3) The motion for summary judgment (Dkt. No. 24) and the letter motion requesting a pre-motion conference (Dkt. No. 25) are denied and terminated as moot.

4) The Clerk shall serve copies of this Judgment upon counsel in this matter by electronic means.

IT IS SO ORDERED.

Dated: August 30, 2011
Syracuse, New York

Norman A. Mordue
Chief United States District Court Judge